

## State Water Resources Control Board

Division of Drinking Water

January 19, 2018

System No. 3610033

Richard Wismer, Manager  
Mount Baldy Home Owners Association  
P.O. Box 611  
Mt. Baldy, CA 91759  
[richard@4000ft.com](mailto:richard@4000ft.com)

### CITATION NO. 05-13-18C-003

### FAILURE TO MONITOR FOR DISINFECTION BYPRODUCTS FOR AUGUST 2017

Enclosed is Citation No. 05-13-18C-003 (hereinafter "Citation"), issued to the Mount Baldy Home Owners Association (hereinafter "Mt Baldy HOA"), public water system. Please note that there are legally enforceable deadlines associated with this Citation.

The Mt Baldy HOA will be billed at the State Water Resources Control Board's (hereinafter "State Water Board"), hourly rate for the time spent on issuing this Citation. California Health and Safety Code, (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the State Water Board has spent approximately four hour(s) on enforcement activities associated with this violation.

The Mt Baldy HOA will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Mt Baldy HOA for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued by the Deputy Director of the Division of Drinking Water under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration (CHSC, Section 116701).

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the Deputy Director. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

[http://www.waterboards.ca.gov/drinking\\_water/programs/petitions/index.shtml](http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml)

If you have any questions regarding this matter, please contact Amanda Chapman of my staff at 909-383-4320 or me at 909-383-4328.

Sincerely,



Eric J. Zúñiga, P.E.  
District Engineer  
San Bernardino District  
Southern California Field Operations Branch

Enclosures

Certified Mail No. 7006 2150 0004 3940 8447

cc:

Richard Wismer, Mt Baldy HOA, via email at [richardwismer@me.com](mailto:richardwismer@me.com)  
Wes Fromlath, Contractor, via email at [wes@choicewatersolutions.com](mailto:wes@choicewatersolutions.com)  
Diana Almond, San Bernardino County EHS, via email at [diana.almond@dph.sbcounty.gov](mailto:diana.almond@dph.sbcounty.gov)  
Joy Chakma, San Bernardino County EHS, via email at [joy.chakma@dph.sbcounty.gov](mailto:joy.chakma@dph.sbcounty.gov)

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER

**Name of Public Water System:** Mount Baldy Home Owners Association

**Water System No:** 3610033

**Attention:** Richard Wismer, Manager

P.O. Box 611

Mt. Baldy, CA 91759

**Issued:** January 19, 2018

CITATION FOR NONCOMPLIANCE WITH  
CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116555(a)(1) AND  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 22 SECTION 64534.2 (d)(3)  
FAILURE TO MONITOR FOR DISINFECTION BYPRODUCTS  
AUGUST 2017

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Water Board") to issue a citation to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with



1 Section 116270), or any regulation, standard, permit, or order issued or  
2 adopted thereunder.

3  
4 The State Water Board, acting by and through its Division of Drinking Water  
5 (hereinafter "Division") and the Deputy Director for the Division, hereby  
6 issues Citation No. 05-13-18C-003 (hereinafter "Citation"), pursuant to  
7 Section 116650 of the CHSC to Mount Baldy Home Owners Association  
8 (hereinafter "Mt Baldy HOA"), for violation of CHSC, Section 116555(a)(1)  
9 and California Code of Regulations (hereinafter "CCR"), Title 22, Section  
10 64534.2 (d)(3).

11  
12 A copy of the applicable statutes and regulations are included in Appendix 1,  
13 which is attached hereto and incorporated by reference.

#### 14 15 **STATEMENT OF FACTS**

16 The Mt Baldy HOA is classified as a community public water system with a  
17 population of 1,450, serving 112 connections. The Mt Baldy HOA operates  
18 under Domestic Water Supply Permit No. 87-021 issued by the State Water  
19 Board on April 21, 1987.

20  
21 CHSC, Section 116555(a)(1) requires all public water systems to comply  
22 with primary drinking water standards as defined in CHSC, Section  
23 116275(c). Primary drinking water standards include maximum levels of  
24 contaminants and the monitoring and reporting requirements as specified in  
25 regulations adopted by the State Water Board that pertain to maximum  
26 contaminant levels.

Pursuant to CCR, Title 22, Section 64534.2 (d)(3), the Mt Baldy HOA is required to collect routine samples of Total Trihalomethanes (TTHM) and Haloacetic Acids (HAA5) per the Disinfection Byproduct Rule annually in August from approved distribution sample locations and report the results via Electronic Data Transfer (hereinafter "EDT") annually. During August 2017, the Mt Baldy HOA failed to collect and report TTHM and HAA5 samples from the following locations listed in the table below:

<b><i>Mount Baldy Home Owners Association 3610033</i></b>	
<b>Approved DBP Site</b>	<b>Primary Station Code</b>
Site 1: 900 Dell Avenue	3610033-601

The approval letter dated June 11, 2014 sent to the Mt Baldy HOA from the Division stated that the Mt Baldy HOA was approved for reduced monitoring of TTHM and HAA5 where TTHM and HAA5s shall be monitored at each site annually in August.

The approval letter is in **Appendix 4**.

#### **DETERMINATION**

The State Water Board has determined that the Mt Baldy HOA has failed to comply with primary drinking water standards pursuant to CHSC, Section 116555(a)(1) and Disinfection Byproducts monitoring and reporting requirements pursuant to CCR, Title 22, Sections 64534.2 (d)(3).

## DIRECTIVES

The Mt Baldy HOA is hereby directed to take the following actions:

1. By **December 31, 2018**, notify all persons served by the Mt Baldy HOA of the violation of CCR, Title 22, 64534.2 (d)(3), in conformance with Sections 64463.7 and 64465. Copies of Sections 64463.7 and 64465 are included in Appendix 1. Appendix 2: Notification Template shall be used to fulfill this Directive unless otherwise approved by the State Water Board. **The Mt Baldy HOA must edit the wording of the sample notification as necessary.**

- a. The notification shall be completed in accordance with the following:

Section 64463.7 allows the Mt Baldy HOA to utilize the 2017 Consumer Confidence Report to meet the requirement of notification within a one-year period. In addition to the required information for the Consumer Confidence Report, the Mt Baldy HOA shall include the following language in the Consumer Confidence Report: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During the calendar year 2017, we did not monitor and report a total trihalomethane and haloacetic acid sample result from the distribution system and therefore, cannot be sure of the quality of your drinking water during that time." **(Mt Baldy HOA completed this directive January 19, 2018, see Appendix No. 2).**

- 1  
2 2. Complete **Appendix 3**: Compliance Certification Form. Submit it  
3 together with a copy of the public notification required by Directive 1  
4 to the State Water Board on or before **January 10, 2019. (Mt Baldy**  
5 **HOA completed this directive January 19, 2018, see Appendix**  
6 **No. 3).**  
7
- 8 3. The Mt Baldy HOA shall collect TTHM and HAA5 samples in **August**  
9 **2018** for the approved Disinfection Byproduct sites as listed in the  
10 approval letter in **Appendix 4**, and that the laboratory, which  
11 conducts the analysis, submits the analytical results to the State  
12 Water Board via EDT no later than the 10<sup>th</sup> day of the month following  
13 completion of the analyses.  
14
- 15 4. The Mt Baldy HOA shall include this violation in the 2017 Consumer  
16 Confidence Report in accordance with CCR, Title 22, Section  
17 64481(g)(1).  
18
- 19 5. On or before **February 9, 2018** complete and return to the State  
20 Water Board the "Notification of Receipt" form attached to this  
21 Citation as **Appendix 5**. Completion of this form confirms that the Mt  
22 Baldy HOA has received this Citation and understands that it contains  
23 legally enforceable directives(s) with due dates.  
24  
25  
26  
27



1 All submittals required by this Citation shall be electronically submitted to the  
2 State Water Board at the following address. The subject line for all  
3 electronic submittals corresponding to this Citation shall include the  
4 following information: Water System name and number, citation number  
5 and title of the document being submitted.

6  
7 Eric J. Zúñiga

8 dwpdist13@waterboards.ca.gov  
9

10 The State Water Board reserves the right to make such modifications to this  
11 Citation as it may deem necessary to protect public health and safety. Such  
12 modifications may be issued as amendments to this Citation and shall be  
13 effective upon issuance.  
14

15 Nothing in this Citation relieves the Mt Baldy HOA of its obligation to meet  
16 the requirements of the California SDWA (CHSC, Division 104, Part 12,  
17 Chapter 4, commencing with Section 116270), or any regulation, standard,  
18 permit or order issued or adopted thereunder.  
19

#### 20 **PARTIES BOUND**

21 This Citation shall apply to and be binding upon the Mt Baldy HOA, its  
22 owners, shareholders, officers, directors, agents, employees, contractors,  
23 successors, and assignees.  
24

#### 25 **SEVERABILITY**

26 The directives of this Citation are severable, and the Mt Baldy HOA shall  
27 comply with each and every provision thereof notwithstanding the  
28 effectiveness of any provision.



**FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes the State Water Board to: issue a citation or order with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Water Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Water Board, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the State Water Board. The State Water Board does not waive any further enforcement action by issuance of this Citation.

  
Eric J. Zúñiga

1/19/18  
Date

**Appendices:**

1. Applicable Statutes and Regulations
2. Notification Template
3. Compliance Certification Form
4. DBP Monitoring Approval Letter
5. Notification of Receipt Form



Certified Mail No. 7006 2150 0004 3940 8447

# APPENDIX 1

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Applicable Statutes and Regulations

**APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR  
CITATION NO. 05-13-18C-003  
Disinfection Byproducts Monitoring and Reporting Violation**

*NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.*

**California Health and Safety Code (CHSC):**

**Section 116271 states in relevant part:**

(a) The State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
- (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
- (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
- (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
- (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
- (6) Chapter 7 (commencing with Section 116975).
- (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
- (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
- (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
- (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
- (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
- (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The State Water Resources Control Board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the State Water Resources Control Board shall refer to the State Water Resources Control Board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

- (k)
- (1) The State Water Resources Control Board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.
  - (2) The deputy director is delegated the State Water Resources Control Board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken, but are not subject to reconsideration, by the State Water Resources Control Board. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the State Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties.

**Section 116275 states in relevant part:**

(c) "Primary drinking water standards" means:

- (1) Maximum levels of contaminants that, in the judgment of the state board, may have an adverse effect on the health of persons.
- (2) Specific treatment techniques adopted by the state board in lieu of maximum contaminant levels pursuant to subdivision (j) of Section 116365.



(3) The monitoring and reporting requirements as specified in regulations adopted by the state board that pertain to maximum contaminant levels.

**Section 116555 states in relevant part:**

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
- (1) Complies with primary and secondary drinking water standards.
  - (2) Will not be subject to backflow under normal operating conditions.
  - (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

**Section 116577. Enforcement fee states:**

- (a) Each public water system shall reimburse the state board for actual costs incurred by the state board for any of the following enforcement activities related to that water system:
- (1) Preparing, issuing, and monitoring compliance with, an order or a citation.
  - (2) Preparing and issuing public notification.
  - (3) Conducting a hearing pursuant to Section 116625. *NOTE: This publication includes a variety of* (b) The state board shall submit an invoice for these enforcement costs to the public water system that requires payment before September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the state board. The costs set forth in the invoice shall not exceed the total actual costs to the state board of enforcement activities specified in this section.
- (c) Notwithstanding the reimbursement of enforcement costs of the local primacy agency pursuant to subdivision (a) of Section 116595 by a public water system under the jurisdiction of the local primacy agency, a public water system shall also reimburse enforcement costs, if any, incurred by the state board pursuant to this section.
- (d) "Enforcement costs," as used in this section, does not include "litigation costs" pursuant to Section 116585.
- (e) The state board shall not be entitled to enforcement costs pursuant to this section if a court determines that enforcement activities were in error.
- (f) Payment of the invoice shall be made within 90 days of the date of the invoice. Failure to pay the invoice within 90 days shall result in a 10-percent late penalty that shall be paid in addition to the invoiced amount.
- (g) The state board may, at its sole discretion, waive payment by a public water system of all or any part of the invoice or penalty.

**Section 116625 (Revocation and suspension of permits) states:**

- (a) The department, after a hearing noticed and conducted as provided in Section 100171, may suspend or revoke any permit issued pursuant to this chapter if the department determines pursuant to the hearing that the permittee is not complying with the permit, this chapter, or any regulation, standard, or order issued or adopted thereunder, or that the permittee has made a false statement or representation on any application, record, or report maintained or submitted for purposes of compliance with this chapter. If the permit at issue has been temporarily suspended pursuant to subdivision (c), the accusation shall be served and notice of the hearing date given within 15 days of the effective date of the temporary suspension order. The commencement of the hearing shall be as soon as practicable, but in no case later than 60 days after the effective date of the temporary suspension order.
- (b) The permittee may file with the superior court a petition for a writ of mandate for review of any decision of the department made pursuant to subdivision (a). Failure to file a petition shall not preclude a party from challenging the reasonableness or validity of a decision of the department in any judicial proceeding to enforce the decision or from pursuing any remedy authorized by this chapter.
- (c) The department may temporarily suspend any permit issued pursuant to this chapter prior to any hearing when the action is necessary to prevent an imminent or substantial danger to health. The director shall notify the permittee of the temporary suspension and the effective date thereof and, at the same time, notify the permittee that a hearing has been scheduled. The hearing shall be held as soon as possible, but not later than 15 days after the effective date of the temporary suspension and shall deal only with the issue of whether the temporary suspension shall remain in place pending a hearing on the merits. The temporary suspension shall remain in effect until the hearing is completed and the director has made a final determination on the temporary suspension, that in any event shall be made within 15 days after the completion of the hearing. If the determination is not transmitted within 15 days after the hearing is completed, the temporary suspension shall be of no further effect. Dissolution of the temporary suspension does not deprive the department of jurisdiction to proceed with a hearing on the merits under subdivision (a).

**Section 116650 states in relevant part:**

- (a) If the state board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The state board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

**Section 116701 (Petitions to Orders and Decisions) states:**

- (a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.
- (b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.
- (c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.
- (d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.
- (e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.
- (f) If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.

**California Code of Regulations, Title 22 (CCR):**

**§64534.2. Disinfection Byproducts Monitoring.**

- (d) By the applicable date specified in section 64530(d), and in lieu of TTHM and HAA5 monitoring in subsection (a):
  - (1) Community and nontransient noncommunity water systems shall monitor for TTHM and HAA5 at the frequencies and location totals indicated in table 64534.2-C and in accordance with the monitoring plan developed pursuant to section 64534.8;

**Table 64534.2-C**  
**Routine Monitoring Frequency for TTHM and HAA5**

Source water type	Persons served	Minimum monitoring frequency <sup>1</sup>	
		Number of distribution system monitoring locations	Monitoring period <sup>2</sup>
Systems using approved surface water	≥5,000,000	20 dual sample sets	per quarter
	1,000,000 – 4,999,999	16 dual sample sets	per quarter
	250,000 – 999,999	12 dual sample sets	per quarter
	50,000 – 249,999	8 dual sample sets	per quarter
	10,000 – 49,999	4 dual sample sets	per quarter
	3,301 – 9,999	2 dual sample sets	per quarter
	500 – 3,300	1 TTHM and 1 HAA5 sample: one at the location with the highest TTHM measurement, one at the location with the highest HAA5 measurement	per quarter
	<500	1 TTHM and 1 HAA5 sample: one at the location with the highest TTHM measurement, one at the location with the highest HAA5 measurement <sup>3</sup>	per year
Systems using ground water not under direct influence of surface water	≥500,000	8 dual sample sets	per quarter
	100,000 – 499,999	6 dual sample sets	per quarter
	10,000 – 99,999	4 dual sample sets	per quarter
	500 – 9,999	2 dual sample sets	per year
	<500	1 TTHM and 1 HAA5 sample: one at the location with the highest TTHM measurement, one at the location with the highest HAA5 measurement <sup>3</sup>	per year

<sup>1</sup> All systems shall monitor during the month of highest disinfection byproduct concentrations.

<sup>2</sup> Systems on quarterly monitoring shall take dual sample sets every 90 days at each monitoring location, except for systems using approved surface water and serving 500 – 3,300 persons.

<sup>3</sup> Only one location with a dual sample set per monitoring period is needed if highest TTHM and HAA5 concentrations occur at the same location and month.

(2) Undisinfected systems that begin using a disinfectant other than UV light after the applicable dates in 40 Code of Federal Regulations, part 141.600 (71 Fed. Reg. 388 January 4, 2006), which is incorporated by reference, shall consult with the State Board to identify compliance monitoring locations for this subsection. Systems shall then develop a monitoring plan in accordance with section 64534.8 that includes those monitoring locations;

(3) Systems may apply to the State Board to monitor at a reduced frequency in accordance with table 64534.2-D, any time the LRAA is ≤ 0.040 mg/L for TTHM and ≤ 0.030 mg/L for HAA5 at all monitoring locations. In addition, the source water annual average TOC level, before any treatment shall be ≤ 4.0 mg/L at each treatment plant treating approved surface water, based on source water TOC monitoring conducted pursuant to section 64534.6. The application shall include the results of all TOC, TTHM, and HAA5 monitoring conducted in the previous 12 months and the proposed revised monitoring plan as required by section



64534.8. The State Board will evaluate data submitted with the application to determine whether or not the system is eligible for the reduced monitoring specified in table 64534.2-D;

**Table 64534.2-D**  
**Reduced Monitoring Frequency for TTHM and HAA5**

		<i>Minimum monitoring frequency</i>	
<i>Source water type</i>	<i>Persons served</i>	<i>Number of distribution system monitoring locations</i>	<i>Monitoring period<sup>1</sup></i>
Systems using approved surface water	≥5,000,000	10 dual sample sets: at the locations with the five highest TTHM and five highest HAA5 LRAAs	per quarter
	1,000,000 – 4,999,999	8 dual sample sets: at the locations with the four highest TTHM and four highest HAA5 LRAAs	per quarter
	250,000 – 999,999	6 dual sample sets: at the locations with the three highest TTHM and three highest HAA5 LRAAs	per quarter
	50,000 – 249,999	4 dual sample sets: at the locations with the two highest TTHM and two	per quarter

		highest HAA5 LRAAs	
	10,000 – 49,999	2 dual sample sets: at the locations with the highest TTHM and highest HAA5 LRAAs	per quarter
	3,301 – 9,999	2 dual sample sets: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during the quarter with the highest HAA5 single measurement	per year
	500 – 3,300	1 TTHM and 1 HAA5 sample: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during the quarter with the highest HAA5 single measurement; 1 dual sample set per year if the highest TTHM and HAA5 measurements occurred at the same location and quarter	per year
Systems using only ground water not under direct influence of surface water	≥500,000	4 dual sample sets: at the locations with the two highest TTHM and two highest HAA5 LRAAs	per quarter
	100,000 – 499,999	2 dual sample sets: at the locations with the highest TTHM and highest HAA5 LRAAs	per quarter
	10,000 – 99,999	2 dual sample sets: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during	per year

	the quarter with the highest HAA5 single measurement	
500 – 9,999	1 TTHM and 1 HAA5 sample: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during the quarter with the highest HAA5 single measurement; 1 dual sample set per year if the highest TTHM and HAA5 measurements occurred at the same location and quarter	per year
<500	1 TTHM and 1 HAA5 sample: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during the quarter with the highest HAA5 single measurement; 1 dual sample set every third year if the highest TTHM and HAA5 measurements occurred at the same location and quarter	every third year

<sup>1</sup> Systems on quarterly monitoring shall take dual sample sets every 90 days.

**§64463.7. Tier 3 Public Notice.**

(a) Each water system shall give public notice pursuant to this section if any of the following occurs:

- (1) Monitoring violations;
- (2) Failure to comply with a testing procedure, except where a Tier 1 public notice is required pursuant to section 64463.1 or the State Board determines that a Tier 2 public notice is required pursuant to section 64463.4; or
- (3) Operation under a variance or exemption.

(b) Each water system shall give the public notice within one year after it learns of the violation or begins operating under a variance or exemption.

- (1) The water system shall repeat the public notice annually for as long as the violation, variance, exemption, or other occurrence continues.
- (2) Posted public notices shall remain in place for as long as the violation, variance, exemption, or other occurrence continues, but in no case less than seven days.
- (3) Instead of individual Tier 3 public notices, a water system may use an annual report detailing all violations and occurrences for the previous twelve months, as long as the water system meets the frequency requirements specified in this subsection.

(c) Each water system shall deliver the notice in a manner designed to reach persons served within the required time period, as follows:

- (1) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by



(A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and  
 (B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):

1. Publication in a local newspaper;
2. Posting in conspicuous public places served by the water system, or on the Internet; or
3. Delivery to community organizations.

(2) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:

(A) Posting in conspicuous locations throughout the area served by the water system; and  
 (B) Using one or more of the following methods to reach persons not likely to be reached by a posting:

1. Publication in a local newspaper or newsletter distributed to customers;
2. E-mail message to employees or students;
3. Posting on the Internet or intranet; or
4. Direct delivery to each customer.

(d) Community and nontransient-noncommunity water systems may use the Consumer Confidence Report pursuant to sections 64480 through 64483, to meet the initial and repeat Tier 3 public notice requirements in subsection 64463.7(b), as long as the Report meets the following:

- (1) Is given no later than one year after the water system learns of the violation or occurrence;
- (2) Includes the content specified in section 64465; and
- (3) Is distributed pursuant to paragraph (b)(1) and (2) or subsection (c).

#### **§64465. Public Notice Content and Format.**

(a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:

- (1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
- (2) The date(s) of the violation or occurrence;
- (3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
- (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
- (5) Whether alternative water supplies should be used;
- (6) What actions consumers should take, including when they should seek medical help, if known;
- (7) What the water system is doing to correct the violation or occurrence;
- (8) When the water system expects to return to compliance or resolve the occurrence;
- (9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
- (10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: "Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail."; and
- (11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period dates], we [*did not monitor or test* or *did not complete all monitoring or testing*] for [contaminant(s)], and therefore, cannot be sure of the quality of your drinking water during that time."

(b) A Tier 3 public notice for a water system operating under a variance or exemption shall include the elements in this subsection. If a water system has violated its variance or exemption conditions, the public notice shall also include the elements in subsection (a).

- (1) An explanation of the reasons for the variance or exemption;
- (2) The date on which the variance or exemption was issued;
- (3) A brief status report on the steps the water system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and
- (4) A notice of any opportunity for public input in the review of the variance or exemption.

(c) A public water system providing notice pursuant to this article shall comply with the following multilingual-related requirements:

- (1) For a Tier 1 public notice:

- (A) The notice shall be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the public water system, and the notice shall include a telephone number or address where such individuals may contact the public water system for assistance; and
- (B) If any non-English-speaking group exceeds 1,000 persons served by the public water system, but does not exceed 10 percent served, the notice shall include information in the appropriate language(s) regarding the importance of the notice, and the telephone number or address where such individuals may contact the public water system to obtain a translated copy of the notice from the public water system or assistance in the appropriate language;
- (2) For a Tier 2 or Tier 3 public notice:
- (A) The notice shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the public water system to obtain a translated copy of the notice or assistance in Spanish; and
- (B) When a non-English speaking group other than Spanish-speaking exceeds 1,000 residents or 10 percent of the residents served by the public water system, the notice shall include:
1. Information in the appropriate language(s) regarding the importance of the notice; or
  2. A telephone number or address where such residents may contact the public water system to obtain a translated copy of the notice or assistance in the appropriate language; and
- (3) For a public water system subject to the Dymally-Alatorre Bilingual Services Act, Chapter 17.5, Division 7, of the Government Code (commencing with section 7290), meeting the requirements of this Article may not ensure compliance with the Dymally-Alatorre Bilingual Services Act.
- (d) Each public notice given pursuant to this article shall:
- (1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;
  - (2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and
  - (3) Not contain language that minimizes or contradicts the information being given in the public notice.

#### Appendix 64465-G. Health Effects Language

##### Disinfection Byproducts, Byproduct Precursors, and Disinfectant Residuals

<b>Contaminant</b>	<b>Health Effects Language</b>
TTHMs [Total Trihalomethanes]:	Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience liver, kidney, or central nervous system problems, and may have an increased risk of getting cancer.
Haloacetic Acids	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.

# APPENDIX 2

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Notification Template Used



## Appendix 2. NOTIFICATION TEMPLATE

### IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

### Monitoring Requirements Not Met for Mt Baldy HOA

Our water system failed to monitor as required for drinking water standards during the past year and, therefore, was in violation of the regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

*We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During 2017, we did not monitor for Total Trihalomethanes (TTHMs) and Haloacetic Acids (HAA5s) and therefore, cannot be sure of the quality of our drinking water during that time.*

#### What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant(s) we did not properly test for during the last year, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant

Site

Required Sampling Frequency

Number of Samples Taken

When All Samples Should Have Been Taken

*When Samples Were or Will Be Taken*

TTHM

Distribution

Annually in August

None

August 2017

August 2018

HAA5

Distribution

Annually in August

None

August 2017

August 2018

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

What happened? What is being done? We did not sample during the right month in 2017, which is August.

Describe corrective action: We will sample in August 2018.

We anticipate resolving the problem in August 2018

For more information, please contact:

Richard Wismer

909-946-6860 or

Richard@4000ft.com

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

## **Secondary Notification Requirements**

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by [Mount Baldy Home Owners Association](#) in compliance with the California Domestic Water Quality and Monitoring Regulations as a means of keeping the public informed.

State Water System ID: [3610033](#). Date distributed:1-12-18]

# APPENDIX 3

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Public Notice Compliance Certification Form



Drinking Water Notification to Consumers

PROOF OF NOTIFICATION

Name of Water System:

Please explain what caused the problem if you have determined what it was and what steps you have taken to correct it. Samples not taken on correct date

Consumers Notified \_\_\_\_\_X\_\_\_\_\_ Yes

If not, Explain:

Date of Notification:

On the date of notification set forth above, I served the above referenced document(s) on the consumers by: 1-11-18


Sending a copy through the U.S. Mail, first class, postage prepaid, addressed to each of the resident(s) at the place where the property is situated, pursuant to the California Civil Code. Attach copy of Notice.

Send in Billing Newspaper (if the problem has been corrected). Attach a copy of Notice.

Personally hand-delivering a copy to each of the consumers. Attach a copy of Notice.

Posted on a public bulletin board, that will be seen by each of the consumers (for small, non-community water systems with prior Division approval). Attach copy of Notice. Web Site Bulletin Board

I hereby declare the forgoing to be true and correct under penalty of perjury.

Dated: 01-19-2018 \_\_\_\_\_ Richard Wismer   
Signature of Person Serving Notice

**\*\*Notice:** Complete this Proof of Notification and return it along with a copy of the notification to the Division within 10 days of receipt of giving public notice.

# APPENDIX4

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DBP Monitoring Approval Letter



RON CHAPMAN, MD, MPH  
Director & State Health Officer

State of California—Health and Human Services Agency  
California Department of Public Health



EDMUND G. BROWN JR.  
Governor

June 11, 2014

Richard Wismer, Manager  
Mt. Baldy Homeowners Association  
P.O. Box 611  
Mt. Baldy, CA 91759

Dear Mr. Wismer:

**STAGE 2 D/DBP COMPLIANCE MONITORING PLAN APPROVAL (NO. 3610033)**

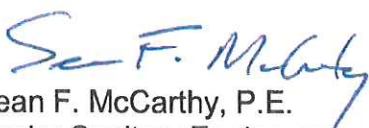
Thank you for the June 9, 2014 compliance monitoring map submitted for the Stage 2 Disinfectant/Disinfection Byproducts (D/DBP) Rule. The plan has been approved. Please report monitoring results for Total Trihalomethanes (TTHM) and Five Haloacetic Acids (HAA5) using the enclosed form and by electronic data transfer using following primary station codes (PS Codes).

**Table 1: Distribution TTHM/HAA5 PS Codes**

Sample Name/Location	PS Code
Site 1: 900 Dell Avenue	3610033-601

After one year of monitoring and all results  $\leq 0.040$  mg/L TTHM and  $\leq 0.030$  mg/L HAA5, you may request reduced monitoring. If you have any questions regarding this letter, please contact Andrés Aguirre at (909) 383-4308 or by e-mail at [andres.aguirre@cdph.ca.gov](mailto:andres.aguirre@cdph.ca.gov).

Sincerely,

  
Sean F. McCarthy, P.E.  
Senior Sanitary Engineer  
San Bernardino District

Enclosure

**Stage 2 TTHM/HAA5 Report for Disinfection Byproducts Compliance**  
**(For Systems Monitoring Annually or Every Three Years)**

System Name: Mt. Baldy Homeowners Association System No.: 3610033

Peak Month: August Calendar Year: \_\_\_\_\_

Sample Location	Sample Date	Total Trihalomethanes Level (TTHM) (µg/L or ppb)	Five Haloacetic Acids Level (HAA5) (µg/L or ppb)
3610033-601: 900 Dell Avenue			
Does each site meet standard? (The standard is 80 ppb for TTHM and 60 ppb for HAA5.)		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
If monitoring annually, report the number of samples taken during the last 12 months:			

Comments:
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# APPENDIX 5

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Notification of Receipt Form

**Appendix 5 - Notification of Receipt**

**Citation Number:** 05-13-18C-003

**Name of Water System:** Mount Baldy Home Owners Association

**System Number:** 3610033

**Certification**

I certify that I am an authorized representative of the Mount Baldy Home Owners Association and that Citation No. 05-13-18C-003 was received on \_\_\_\_\_. Further I certify that the Citation has been reviewed by the appropriate management staff of the Mount Baldy Home Owners Association and it is clearly understood that Citation No. 05-13-18C-003 contains legally enforceable directives with specific due dates.

\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Date

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD,  
DIVISION OF DRINKING WATER, NO LATER THAN FEBRUARY 9, 2018**

**Disclosure:** Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.